

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number 042933/271711

(filed with the Notice of Appeal)

Application Number 10/752,891

Filed January 7, 2004

First Named Inventor Kuldeep Jain

Art Unit 2166

Examiner Harper, Leon Jonathan

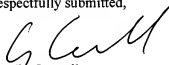
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

Respectfully submitted,



Guy R. Gosnell

Registration No. 34,610

Date July 7, 2008

**Customer No. 00826**

**ALSTON & BIRD LLP**

Bank of America Plaza

101 South Tryon Street, Suite 4000

Charlotte, NC 28280-4000

Tel Charlotte Office (704) 444-1000

Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON July 7, 2008.

Attachment  
Reasons for Requesting Pre-Appeal Brief Request for Review

Claims 1-53 currently stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent Application Publication No. 2005/0131957 to Watkinson ("Watkinson") in view of U.S. Patent Application Publication No. 2004/0172484 to Hafsteinsson et al. ("Haf").

Independent Claims 1, 14, 25, and 43 of the present application generally recite, amongst other things, that the mobile terminal executes a web server that provides for a remote network device to access the mobile terminal via a network connection. Specifically, independent Claim 1 recites a "mobile terminal apparatus . . . comprising a data processing device that executes a web server." Independent Claim 14 recites "providing for a mobile terminal that implements a web server," "initiating a web browser application at a remote network device," and "accessing, at the remote network device, the mobile terminal via a network connection to the web server of the mobile terminal." Independent Claim 25 recites "a web server executed by the mobile terminal." Independent Claim 43 recites "a mobile terminal including a first data processing device that executes a web server" and "a remote network device including a second data processor device that executes a web browser application that provides access to the web server of the mobile terminal."

Accordingly, Applicants submit that even given their broadest meaning, independent Claims 1, 14, 25, and 43 recite that the mobile terminal executes/implements a web server. In this regard, the mobile terminal executes a web server that provides remote network devices access to an addressable website, portal or homepage that resides on the mobile terminal. The mobile terminal will generally function similar to an origin server residing in the Internet. *See, e.g.*, paragraph 30 of the present application. Applicants submit, however, that the Examiner has yet to cite a reference that teaches or suggests a mobile terminal that executes a web server. The Office Action admits that, "Watkinson does not explicitly disclose a web server that provides for a remote network device to access the mobile terminal via a wireless communication link." The Examiner instead relies on Haf, citing paragraph 43 of Haf as disclosing "a web server that provides for a remote network device to access the mobile terminal via a wireless communication link." *See, e.g.*, Page 3 of the Office Action of February 6, 2008 and the Advisory Action of June 6, 2008. Applicants note, however, that independent Claims 1, 14, 25, and 43 are not so broad as to include "a web server that provides for a remote network device to

access the mobile terminal via a wireless communication link,” and instead recite a mobile terminal that executes a web server. Indeed, the Examiner clearly seems to be overlooking the plain text reading of the claims, as the claims do not recite a “web server that provides for a remote network device to access the mobile terminal via a wireless communication link,” but rather recite that the mobile terminal executes a web server.

In fact, Haf nowhere teaches or suggests that a mobile terminal executes a web server. Haf, instead discloses a system and method for communication of data between a web server and a mobile device equipped with a browser, such as a WAP browser. In this regard, Haf relates to the transfer of data from a data source, i.e. a remote web server, to devices with limited processing and display capabilities, i.e. a mobile terminal. Source data is converted from a first format, such as standard web formats, to a second format, such as WML native to a WAP enabled mobile terminal. *See, e.g.* paragraph 57. Furthermore, paragraph 43, as cited by the Examiner teaches “a system for wireless communication of data between an external content source and a mobile device with Internet capabilities and equipped with a browser.” Thus the passage cited by the Examiner not only does not teach or suggest the recitations of independent Claims 1, 14, 25, and 43, but actually teaches away from the independent claims by teaching the opposite scenario wherein a mobile device executes a web browser to access remote data from a remote web server. In contrast, the independent claims recite a mobile terminal that executes a web server application such that a remote network device may access to access the mobile terminal. As such Haf does not teach or suggest a web server executed by a mobile terminal allowing remote network devices to access data or devices of the mobile terminal, as is recited by independent Claims 1, 14, 25, and 43. Accordingly, since neither Watkinson nor Haf, taken alone or in combination, teach or suggest a web server executed by a mobile terminal as recited by independent Claims 1, 14, 25, and 43, Applicants submit that the rejection should be reversed.

Although independent Claim 34 does not specifically recite a “web server,” Claim 34 is directed to such an application that is capable of providing a remote network device access to a mobile terminal, and of providing the accessed remote network device functional access to one or more devices associated with the mobile terminal. Thus, Applicants submit that Claim 34 is patentably distinct from the cited references, taken alone or in combination, for at least the same reasons as discussed above in connection with independent Claims 1, 14, 25, and 43 and thus the rejection of Claim 34 should be reversed.

Dependent Claims 6, 18, 21-24, 39-42, and 46 all generally recite accessing devices associated with the mobile terminal from a remote network device. These devices as variously recited by some of dependent Claims 6, 18, 21-24, 39-42, and 46 include, for example, a telephone, camera, video recording device, GPS receiver, and/or audio recording device. The Office Action posits that Watkinson discloses that the content engine application provides for functional access by the remote network device to one or more mobile terminal devices. Applicants submit that paragraph 24 in particular, as well as other paragraphs of Watkinson cited by the Office Action (i.e., paragraphs 30 and 58), and, indeed, the entirety of Watkinson, does not teach or suggest allowing a remote network device to access one or more devices associated with the mobile terminal, but rather merely discloses remotely accessing image databases (which are not disclosed to be resident on or at a mobile terminal). With respect to Claim 21, which recites “activating, at the remote device, a Global Position System device associated with the mobile terminal,” the Office Action submits that Paragraph 58 of Haf teaches this recitation. Applicants are unclear whether the citation of Haf paragraph 58 is a typo given the citation of paragraph 58 of Watkinson in connection with similar claims, but in any case, Applicants further submit that Haf does not teach or suggest accessing or activating devices associated with a mobile terminal. Furthermore, the Advisory Action of June 6, 2008 fails to address this argument advanced in part by the Applicants in the Response after Final filed on March 21, 2008. Thus Applicants submit that Claims 6, 18, 21-24, 39-42, and 46 are patentably distinct over the cited references taken alone or in combination, and accordingly the rejection of Claims 6, 18, 21-24, 39-42, and 46 should be reversed.

Dependent Claim 4 recites executing a display redirect application that provides for redirecting display of accessed devices from the mobile terminal display to a display associated with the remote network device. The Office Action relies on paragraphs 20 and 66 of Haf as disclosing this recitation. However, these paragraphs and Haf in general at most disclose optimizing content provided to a mobile terminal so that it may be optimally displayed on the mobile terminal’s small display based upon the mobile terminal’s capabilities. Watkinson also does not teach or suggest redirecting display of accessed devices from the mobile terminal display to a display associated with the remote network device and is not relied upon for such and thus Claim 4 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 4 should be reversed.

Dependent Claim 13 recites a mobile terminal apparatus comprising a motion sensor in communication with an HTTP push application that provides for information to be pushed from the mobile terminal to the remote network device during an active networking session when requisite motion occurs within the mobile terminal. The Office Action relies on paragraph 29 of Watkinson as disclosing this recitation. However, paragraph 29 of Watkinson merely teaches synchronizing image databases. Nor does any other part of Watkinson teach or suggest a mobile terminal apparatus comprising a motion sensor in communication with an HTTP push application that provides for information to be pushed from the mobile terminal to the remote network device during an active networking session when requisite motion occurs within the mobile terminal. Haf also does not teach or suggest dependent Claim 13 and indeed is not relied upon for such and thus Claim 13 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 13 should be reversed.

Dependent Claim 27 recites accessing the applications associated with the mobile terminal to provide diagnostic analysis to the mobile terminal. In this regard, diagnostic analysis, such as regarding an operating condition of the mobile terminal may be provided to the mobile terminal. The Advisory Action cites paragraphs 14, 21-28, 33, and 43 as disclosing providing diagnostic analysis to the mobile terminal. However, at most Haf teaches converting content to be provided from a network device to a mobile terminal's web browser into a version suitable for display on the mobile terminal based upon the capabilities of the mobile terminal. Thus, at most Haf suggests determining a device's application capabilities such that conversion of content may be appropriately performed, but does not teach or suggest providing diagnostic analysis to the mobile terminal. Watkinson also does not teach or suggest providing diagnostic analysis to the mobile terminal and is not relied upon for such. Accordingly, the rejection of Claim 27 should be reversed.

Dependent Claim 28 recites debugging the mobile terminal by tracing data communicated from the mobile terminal. In this regard, debugging refers to "a methodical process of finding and reducing the number of bugs, or defects, in a computer program or a piece of electronic hardware thus making it behave as expected." See, <http://en.wikipedia.org/wiki/Debugging>. The Office Action states that Paragraphs 14-16 of Haf disclose debugging the mobile terminal by tracing data communicated from the mobile terminal. Applicants again submit, however, that Haf does not teach or disclose debugging the mobile

terminal, but rather only teaches converting data from a first format to a second device-specific format so that it may be received by the receiving device. Applicants thus submit that Haf does not teach or suggest debugging of the mobile terminal as claimed by Claim 28. Watkinson also does not teach or suggest providing diagnostic analysis to the mobile terminal and is not relied upon for such and thus Claim 28 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 28 should be reversed.

Dependent Claim 30 recites monitoring the strength of the wireless signal provided to the mobile terminal. The Office Action and Advisory Action cite paragraphs 33 and 43 of Haf as disclosing this recitation. However, paragraph 33 merely states that a general version of a markup language may be wireless markup language (WML). Paragraph 43 merely states that the disclosed system may be a wireless communication system. Nowhere in paragraphs 33 or 43 or elsewhere does Haf teach or suggest monitoring the strength of the wireless signal provided to the mobile terminal. Watkinson also does not teach or suggest monitoring the strength of the wireless signal provided to the mobile terminal and is not relied upon for such and thus Claim 30 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 30 should be reversed.

Dependent Claim 32 recites monitoring the usage of devices associated with the mobile terminal. The Office Action relies on paragraph 33 of Haf as disclosing this recitation. However, paragraph 33 of Haf merely defines “general version of a specific type of markup language data format” as used in Haf. Nor does Haf teach or suggest monitoring the usage of devices associated with the mobile terminal elsewhere in the reference. Watkinson also does not teach or suggest monitoring the usage of devices associated with the mobile terminal and is not relied upon for such and thus Claim 32 is patentably distinct over the cited references, taken alone or in combination. Accordingly, Applicants submit that the rejection of Claim 32 should be reversed.

In addition to those dependent Claims discussed individually, each dependent claim contains all of the recitations of a respective independent claim. Applicants therefore submit that the dependent Claims are patentably distinct from the cited references, taken alone or in combination, for at least the reasons discussed in connection with independent Claims 1, 14, 25, 34, and 43. Accordingly, for at least the reasons stated above, Applicants respectfully submit that the rejections of claims 1-53 should be reversed.